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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2506 of 2007

Petitioner — Smt. Lili Sahu W/o. Shri Laxman Lal Sahu Aged about - 30 years Assistant Teacher, Primary School Tuta, Block- Abhanpur, Distt.- Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh, Through- The Secretary, Department of School Education, D.K.S. Bhawan, Raipur (C.G.)
2. Block Education Officer, Abhanpur, Distt.- Raipur (C.G.)
3. District Education Officer, Raipur, Distt.- Raipur (C.G.)
4. The Collector, Raipur Distt.- Raipur (C.G.)

Writ petition under Article 226 of the Constitution of India

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Mr. K.K. Dixit, Advocate for the petitioner.
Ms. Sunita Jain, Panel Lawyer for the State/respondents.

O R D E R

(Passed on 1st of May, 2007)

1. The petitioner, while working as Assistant Teacher in the Government Primary School Tuta, Block- Abhanpur, District- Raipur was suspended vide order dated 7.4.2007 (Annexure P-1) for having committed misconduct with senior officer. Learned counsel appearing for the petitioner impugns the suspension order on the ground that without affording an opportunity to explain his conduct, the petitioner was placed under suspension.

2. The State/respondents, after suspension order, has issued a show cause notice, asto why the departmental action be not initiated against him for having committed alleged misconduct.

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3. It is well settled principle of law that under the provisions of the Rule 9 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966, that the Government servant may be placed under suspension where a disciplinary proceeding against him is contemplated or is pending, since the show cause notice has already been issued. The suspension order cannot be interfered at this stage.

4. It is well settled principle of law that the suspension is temporary and it does not involve punishment with evil consequences. Suspension means a temporary deprivation of the functions not amounting to any reduction of his rank or his status. The employee under suspension continues to be a Government Servant, he is not permitted to work keeping in view pendency of departmental enquiry to avoid undue influence in the proceedings of the departmental enquiry and likely tampering with on records. Since order impugned is not punitive in nature, it is not necessary to issue any show cause calling upon explanation of the petitioner before placing him under suspension.

5. Thus, petition has no merit. It is accordingly dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

Subhash